

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE No. 5:20-cv-000205-FL

JOSE ROLANDO MOSHAN-MARTINEZ, *et al.*,)
on behalf of themselves and all other similarly)
situated persons,)
)
Plaintiffs)
)
v.)
)
FRANCISCO VALADEZ, JR. LLC *et al.*,)
)
Defendants.)
_____)

**ORDER GRANTING CONDITIONAL CERTIFICATION OF A COLLECTIVE
ACTION, DISCLOSURE OF CONTACT INFORMATION FOR POTENTIAL OPT-IN
PLAINTIFFS AND METHOD OF DISTRIBUTION OF COURT-APPROVED NOTICE
PURSUANT TO 29 U.S.C. 216(b)**

This matter comes before the Court on Plaintiffs’ Motion for Conditional Certification of a Collective Action, Disclosure of Contact Information for Potential Opt-in Plaintiffs and Method of Distribution of Court-Approved Notice Pursuant to 29 U.S.C. § 216(b) (“Plaintiffs’ Motion”).

The Court hereby GRANTS the Plaintiffs’ Motion and conditionally certifies this action as a FLSA collective action pursuant to 29 U.S.C. § 216(b) as follows:

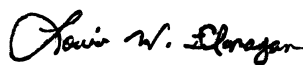
Persons who traveled to North Carolina with an H-2A visa issued for work for Francisco Valadez, Jr., LLC and who performed work for the Valadez Defendants at any time between May 18, 2017 and the date of final judgment in this action, pursuant to 29 U.S.C. § 216(b).

The Court authorizes the Notice attached as Exhibit 6 to Plaintiffs' Motion for distribution in English and Spanish to potential opt-in Plaintiffs by U.S. mail within 2 weeks after Defendants have provided the contact information requested in the Motion, and authorizes the information in the Notice to be distributed by text, WhatsApp, Facebook, website posting, and radio in Mexico. The Court also orders Defendants to post the notice in English and Spanish at all worksites and at all employer-provided housing for H-2A farmworkers under the ownership or control of any of the Defendants, and orders the Valadez Defendants to provide the notice to current employees with their paychecks, within two weeks of entry of this Order.

The Court further approves the Consent to Join Form, attached as Exhibit 7 to Plaintiffs' Motion, for distribution to the putative members of the collective action. The date limiting the preliminary joinder of opt-in Plaintiffs filing Consent to Sue forms shall be six (6) months from the date on which the complete addresses and names of putative class members are produced by Defendants in accordance with this Order.

The Defendants are hereby ORDERED to provide Plaintiffs with the full names, date(s) of employment, employer ID, passport number, U.S. and Mexico address, home, cell and WhatsApp numbers (U.S. and Mexico), location of work performed for the Valadez Defendants, and date of birth of all putative collective action members. This production shall be made within two weeks of the entry of this Order.

SO ORDERED this the 9th day of July, 2021.



U.S. District Judge